THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION Nos.4844 & 4654 OF 2007

DATE 09-03-2007

W.P.No.4844 of 2007

Between

M/s. Manikanta Traders, Takkalapalli village,
rep. By its Proprietor, Komuravelli, Navakoti.

……..PETITIONER

AND

The District Collector (Civil Supplies)
Karimnagar & others.

……..RESPONDENTS

W.P.No.4654 of 2007

Between

Sundeep Traders Jagitial, & others.

……..PETITIONERS

AND

The District Collector (Civil Supplies)
Karimnagar & others.

……..RESPONDENTS

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION Nos.4844 & 4654 OF 2007

COMMON ORDER:

In the first writ petition, i.e.,4844 of 2007, the writ petitioner claims

to be a licensed dealer under the provisions of the Andhra Pradesh Scheduled Commodities Dealership (Licensing & Distribution) Order 1982, which is in force. In the second writ petition i.e., 4654 of 2007, the petitioner asserts to be a licensed dealer too.

On 20.02.2007, the premises of the Andhra Pradesh State Ware Housing Corporation, Jagityal, Karimnagar District was inspected by the officials of the Civil Supplies Department and stocks scheduled commodities were found stored. On the assumption that the commodities are stored by persons who do not have a license under the provisions of the Control Order, 1982,

un-lawfully and in contravention of the provisions of the Control Order, 1982, the commodities stored were seized under a mediators report recorded on 20.02.2007. The petitioner in W.P.No.4844 of 2007 submitted a representation to the first respondent for interim release of the seized commodities belonging to him, pending finalization of the case under section 6-A of the Essential Commodities Act, 1955. The petitioners in the other writ petition have not made any such application.

It would appear that the Tahsildar (Civil Supplies) Jagityal had issued a press report on 07.03.2007 in a Telugu Daily (Eenadu) bearing a Jagityal rural date line to the effect that one Sudhakar Reddy, Tahsildar, Jagityal had intimated that the schedule commodities seized during recent raids would be sold in public auction on 12.03.2007. Petitioners have not been intimated any orders by the competent authority directing interim disposal of the seized commodities under Section 6-A (2) of the Act. They are thus before this Court apprehending interim disposal by public auction of the seized commodities and even while the application of the petitioner (in W.P.No.4844 of 2007) for the interim release of the commodities is pending.

On instructions, the learned Government Pleader for Civil Supplies states that while orders were passed by the District Collector

(Civil Supplies) Karimnagar, directing interim disposal of the seized commodities in purported exercise of the power and authority under Section 6-A (2) of the Act, the District Collector has re-considered the matter and is now satisfied that the orders already passed for interim disposal of the commodities seized on 20.02.2007 from the petitioners (in these two writ petitions) may not be sustainable on legal scrutiny and has therefore decided to withdraw and rescind those orders with a liberty to take an appropriate future decision in accordance with law.

It is stated by the learned Government Pleader on behalf of the District Collector, Karimnagar that no sale by public auction of the schedule commodities of the petitioners seized on 20.02.2007 from the Andhra Pradesh State Ware Housing Godown, Jagityal, would be proceeded with on the basis of the orders for interim disposal already passed by the District Collector, Karimnagar.

In the light of the submissions made on behalf of the District Collector, Karimnagar by the learned Government Pleader for civil Supplies, the petitioners' substantive grievance does not survive. The competent authority may consider the representation of the petitioner in W.P.No.4844 of 2007 for interim release of the seized stock in accordance with his lawful discretion and in accordance with law, un-influenced by any observations in this writ petition. It is also open to the petitioners in W.P.No.4654 of 2007 to make an application, if they so desire, for interim release of the seized commodities. As and when such a representation is made, the same shall also be considered expeditiously by the competent authority, un-influenced by any observations made herein. The District Collector, Karimnagar is also at liberty to take an appropriate decision recording his opinion and satisfaction in accordance with Section 6-A (2) of the Act, as to interim disposal.

The writ petitions are accordingly disposed of. No costs.

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GODA RAGHURAM J.,

Dt.09.03.2007
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